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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,005	01/08/1999	FRANK A. LAWLER	3382-51701GA	7403

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/03/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/228,005

Applicant(s)

LAWLER ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-23,25,27 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23,25,27 and 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 May 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 21-23, 25, 27, 30-38 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-23, 25, 27, 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch (US 5,731,884), and in view of Billock et al. (US 5,619,249).

Regarding claim 21, Rauch disclose television system includes a cable source 110, computer 100 and television display 130 coupled to the computer 100 for displaying representing scheduled layout and user input device 120 for selecting a programming parameter for display (see fig. 1), a method of displaying for a view

summary information relating to programming included in the program guide, comprising: providing programming information including at least the identities of a plurality of available programs and summary information from the television cable provider via cable source 110 to computer 100; storing the program information and summary information in the memory 150; accessing the programming information and display the programming information in the programming guide on the video display 130; obtaining a user selection indication corresponding to programming selected by the viewer from the programming guide; accessing in response to the user selection indication the summary information relating to the programming selected by the viewer; and displaying the program summary information on the video display 130 (see col.4, line 34 – col. 5, line 67 and col. 9, lines 4-11). The bi-directional communication is well known to those skilled in the art. In addition, Rauch discloses if the program is being broadcast, the computer provides to the television to display in the picture-in graphics display window the program currently being broadcast (see col. 3, lines 16-19). Inherently, the summary information includes the current broadcast of the program. Rauch does not explicitly disclose “a video segment of less than the entire program.”

Billock discloses the summary information comprises “preview video” that contains the video portion of a short segment of a video program (see col. 2, line 62- col. 3, line 2 and col. 7, lines 45-50). Inherently, the summary information comprises “a video segment of less than the entire program.” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch to

incorporate method as taught by Billock in order to provide a detail information of a video program to user.

Regarding claim 22, Rauch discloses the summary information includes a text description relating to the programming selected by the viewer (see col. 5, lines 7-8).

Regarding claim 23, Rauch discloses the displaying of the summary information includes displaying the text description in a text description window 230 (see col. 7, lines 24-32).

Regarding claim 25, Rauch discloses the displaying of the summary information includes displaying the display imagery in a preview display window 240 (see col. 7, lines 24-54).

Regarding claim 27, Rauch discloses the selected program is transmitted from the cable source 110 when the viewer selects the program and the multi-frame video segment includes the transmitted selected programming (see col. 9, lines 42-51 and col. 11, lines 53-65).

Regarding claim 30, Rauch discloses the summary information includes a text description and displaying imagery relating to the program selected by the viewer (see col. 7, lines 55-58).

Regarding claim 31, the elements of the system being claimed correspond to the elements of the method being claimed and are analyzed as discussed in the rejection of claim 21. A method of displaying for a viewer summary information relating to programming included in the program guide also comprising: obtaining from the cable source 110 programming summary information that relates to programming available to a viewer, the programming summary information including at least a plurality of images, each image being related to at least one of the available programming; storing the programming summary information in memory 150; obtaining an indication of programming selected by the viewer from the programming guide; retrieving from the memory the programming summary information corresponding to the programming selected by the viewer from the programming guide in respond to the obtained indication; and displaying the retrieved programming summary information for the viewer on a television set 130(see fig. 4 and col. 9, lines 30-60). Rauch does not explicitly disclose the retrieved program information is the "most program specific information."

Billock discloses the viewer can preview the selected program by initiating display of the segment corresponding to the selected program (see col. 2, line 62- col. 3, line 21 and col. 7, lines 45-50). Inherently, the retrieved programming information is the most program specific information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch to

incorporate the retrieved programming information is the most program specific information as taught by Billock in order to provide a most program specific information to viewer thereby allow view to select the desired program.

Regarding claim 32, Rauch discloses the summary information includes a text description relating to the programming selected by the viewer and at least some of the images are video segments (see col. 9, lines 4-11).

Regarding claim 33, Rauch discloses the text description and video segment are displayed in, respectively, a text description window 230 and a preview display window 240 that are displayed adjacent each other (see fig. 2).

Regarding claim 34, Rauch discloses the summary information is displayed simultaneously with the program guide (see fig. 2 and col. 7, lines 23-33).

Regarding claim 35, Rauch discloses the programming summary information displayed for the viewer includes an icon indicating a predetermined characteristic of the selected programming (see fig. 2, and col. 8, lines 1-40).

Regarding claim 36, Rauch discloses the predetermined characteristic of the selected programming is selectively cued by the viewer (see col. 9, line 51- col. 11, line 34).

4. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch (US 5,731,884) in view of Billock et al. (US 5,619,249), and further in view of Yuen (US 6,239,794).

Regarding claim 37, Rauch in view of Billock discloses a television system has a method of displaying summary information at an individual user station, the methods of providing, storing, obtaining user input and accessing the summary information are analyzed as discussed in the rejection of claim 21. However, neither Rauch nor Billock explicitly disclose the programming information including an identification of a plurality of future programs that will be available from the television cable provider at a future time.

Yuen discloses the programming information including an identification of a plurality of future programs. Yuen also discloses the accessing and displaying future programs simultaneously with the program guide in respond to a user selection of one of the at least one of the future programs (see col. 5, line 49 – col. 6, line 44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch by expanding the programming information to future programs as taught by Yuen in order to give user a further view of program guide.



Regarding claim 38, Rauch discloses the summary information includes a text description relating to the programming available to the viewer and the text description is displayed simultaneously with the selected program and the programming guide in response to a user selection of a currently available program and analyzed as discussed in the rejection of claims 22 and 34.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Rowe et al.** (US 5,812,123) discloses system for displaying programming information.

**Marshall et al.** (US 6,419,137) discloses video clip program guide.

**Billock et al.** (US 5,619,249) discloses telecasting service for providing video programs on demand with an interactive interface for facilitating viewer selection of video programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



ANDREW FAILE  
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